



County of Los Angeles
CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

November 15, 2007

David Hauser, General Manager
Browning-Ferris Industries (BFI)
Sunshine Canyon Landfill
14747 San Fernando Road
Sylmar, CA 91342

Dear Mr. Hauser:

**SUNSHINE CANYON LANDFILL PROPOSED SOLID WASTE FACILITY PERMIT
FOR A COMBINED CITY/COUNTY LANDFILL OPERATION**

On October 19, 2007 and on October 31, 2007, the California Integrated Waste Management Board (CIWMB) sent letters to the Board of Supervisors and my Office, respectively, related to the CIWMB's decision to accept and process a Solid Waste Facilities Permit (SWFP) application from Browning Ferris Industries (BFI) for the combined Sunshine Canyon Landfill (SCL) within the jurisdictions of the City of Los Angeles (City) and County of Los Angeles (County). Based on those letters, there seems to be a misunderstanding as to the requirements and timing associated with a combined City/County landfill. As described more fully in this letter, the County has determined that the application for the combined operation is premature at this point because BFI does not currently have the necessary local approvals, including land use approvals, to begin the operation of a joint City/County landfill.

City/County Landfill Requirements

Based on the Replacement Conditional Use Permit 00-194-(5) (RCUP) granted by the County Board of Supervisors on February 6, 2007, there are a number of requirements that BFI must meet prior to operating a combined City/County landfill. Below are the key RCUP requirements:

1. Approval from the City of Los Angeles to Proceed to Phase II
 - Several sections of the RCUP articulate that the combined landfill operation (the "City/County Project") commences with the City's approval of Phase II (as stipulated under the City Land Use Zoning Ordinance 172933, Qualified Conditions of Approval [Q] Section B.2.d). According to the RCUP, Phase II will commence after the City-only landfill has operated for five years and satisfied certain other conditions, and the approvals for Phase II are necessary before any combined operation can take place.

PA

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

- Under Condition 1.K of the RCUP, the combined landfill operation or the "City/County Project" is clearly defined as "the activities of the combined City/County landfill conducted in either or both the City and County jurisdictions, the ultimate development of which is depicted on Exhibit 'A-2' of this grant and on Exhibit 'E-4B' of the City Ordinance....**and which is generally referred to in the City Ordinance as Phase II and Phase III.** The City/County Project includes the combined City/County landfill, its Ancillary Facilities and activities within the County's jurisdiction as approved by this grant, and the combined City/County landfill, ancillary facilities and activities within the City's jurisdiction as approved by the City Ordinance...." [Emphasis added]
- Under the definition of "County Project" in Condition 1.V of the RCUP, there is further clarification that the "County Project includes activities conducted within the County's jurisdiction **prior to the commencement of the City-approved Phase II.**" [Emphasis added]
- Condition 18 of the RCUP requires BFI to diligently pursue and obtain all approvals necessary to develop and operate the City/County Project as defined in Condition 1.K. In the event that such approvals are not granted, the County Landfill is precluded from combining with the City Landfill and will cease operation when the limits of fill in Exhibit A-1 of the RCUP and portions of the bridge area authorized by the Director of Public Works, have reached capacity.

2. Public Works' Approval of a Fill Sequencing Plan for the Combined Landfill

Condition 18 of the RCUP requires prior approval of a fill sequencing plan by the County Director of Public Works for all landfill operations within the County's jurisdiction, including that portion of the City/County Project within the County jurisdiction. The SWFP application and associated Joint Technical Document (JTD) submitted to the CIWMB includes a fill sequencing plan that has not been approved by the Director of Public Works.

3. County's Technical Advisory Committee (TAC) Certification of Compliance

Part XII.B of the Implementation and Monitoring Program ensures compliance with the RCUP, and complements the enforcement and monitoring programs administered by the County. BFI is required to obtain from the TAC a certification of compliance with the RCUP prior to development of the City/County Project.

4. Revenue Allocation Agreement

Condition 64 of the RCUP requires a revenue allocation agreement prior to operating as a City/County Project.

Additional RCUP Requirement

The RCUP requires County approval of the Closure and Post-Closure Maintenance Plan. Conditions 1.O and 1.RR, which define Closure Plans and Post-Closure Maintenance Plans require plan approval of a Closure or partial final closure plan, as well as a Post-Closure Maintenance Plan by the TAC to protect public health and safety and the environment. The JTD submitted for the SWFP includes a preliminary closure and post-closure maintenance plan that has not been approved by the County's TAC.

It is our understanding that BFI does not currently have the necessary permits and approvals for Phase II and the fill sequencing plan, closure plan and post-closure maintenance plan, the TAC's certification of compliance, and an executed revenue allocation agreement and, therefore, according to the RCUP, it is not yet possible to begin joint operations.

If you have any questions, please contact Lari Sheehan, Deputy Chief Executive Officer at (213) 893-2477, or via e-mail at lsheehan@ceo.lacounty.gov.

Sincerely,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:LS
DSP:BK:os

- c: Supervisor Gloria Molina, First Supervisorial District
- Supervisor Yvonne B. Burke, Second Supervisorial District
- Supervisor Zev Yaroslavsky, Third Supervisorial District
- Supervisor Don Knabe, Fourth Supervisorial District
- Supervisor Michael D. Antonovich, Fifth Supervisorial District
- Dr. Jonathan E. Fielding, Director and Health Officer of Public Health
- Raymond G. Fortner, Jr., County Counsel
- Bruce W. McClendon, Director of Regional Planning
- Donald L. Wolfe, Director of Public Works
- Margo Reid Brown, Chair, California Integrated Waste Management Board
- Ted N. Rauh, California Integrated Waste Management Board